

AN ACT

ENTITLED, An Act to revise certain guardianship and conservatorship provisions regarding appointment hearings, financial statements, and successors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 29A-5-204 be amended to read as follows:

29A-5-204. Upon the filing of the petition, the court shall issue a notice fixing the date, hour and location for a hearing to take place within sixty days.

At least fourteen days prior to the hearing, the minor, if age ten or older, shall be personally served with a copy of the notice and petition, and the petitioner shall mail a copy of the notice and petition to all entities and individuals age ten or older whose names and post office addresses appear in the petition. The court may order that no notice of hearing need be given if all persons entitled to notice waive notice of hearing and the court determines that it would be in the best interests of the minor and the minor's estate to proceed without notice.

Section 2. That § 29A-5-207 be amended to read as follows:

29A-5-207. The statement of financial resources, any written report of the court representative, and any accountings or inventories made by the guardian or conservator shall be sealed upon filing and shall not be made a part of the public record but shall be available to the court, to the minor, to the petitioner, to the court representative, to their attorneys, to abstractors or employees of abstractors licensed pursuant to chapter 36-13, to employees and agents of title insurance companies licensed pursuant to chapter 58-25, to attorneys who are licensed to practice law pursuant to chapter 16-16 and who are representing a relative of the minor within the third degree of kinship, to the spouse of the minor, to joint tenants of the minor, to any intestate heirs of the minor which relationship shall be established by sworn affidavit, and to such other interested persons as the court may order upon a showing of the need therefor.

Section 3. That § 29A-5-502 be amended to read as follows:

29A-5-502. The court may appoint additional guardians or conservators and may appoint a successor guardian or conservator either prior to or at the time of a vacancy. A successor guardian or conservator appointed prior to a vacancy shall be immediately empowered to assume the duties of office upon the termination of the predecessor's appointment, but shall be required to file the requisite acceptance of office and any required bond within sixty days. A successor guardian or conservator shall succeed to the powers and duties of the predecessor unless otherwise ordered by the court.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1094

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1094
File No. _____
Chapter No. _____

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Received at this Executive Office this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State